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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,218	12/03/2003	Felix Galeev	FG-1	5399

7590 03/10/2005
Boris Leschinsky
P.O. Box 72
Waldwick, NJ 07463

EXAMINER

CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,218

Applicant(s)

GALEEV, FELIX

Examiner

Kelly E Campbell

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/03/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petell (US 5,738,360) modified by Blankenburg et al (US 5,207,454).

Petell et al teaches an in-line skate including:

a frame (18) having a curved lower portion, see Figure 1, 5a and 5b

a front end and tail end;

attachment means (66,68 to secure to a boot (12);

a point stop (30) at the front end that is a roller (30) fixed in position, see Column 3, lines 18-30;

a plurality of rollers (20,22,24 or first, intermediate and last) spaced apart evenly and located behind the stop (30) along the curved portion of the frame (18);

and the lower curved portion of the frame (18) defining a curvature sufficient to allow support of the skate only by the point stop (30) and the front wheel (20), see Figure 3.

Petell does not teach the use of a front and tail ball configuration.

Blankenburg et al teaches an in-line roller (10) with various embodiments combining wheel rollers (32) and ball supports (40,42,46,44);

wherein a front ball support (40) is located at the front end of the skate frame (18) ahead of the wheel roller (32) and wherein a tail ball support (44) behind the roller (32), see Column 4, lines 13-16;

wherein the ball supports include a housing (54) supports ball rollers (70) allowing for free rotation within the housing (54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skate having an point stop as taught by Petell, to include ball supports strategically placed in front and behind the roller wheels, as taught by Blankenburg, in order to provide a skate maneuverable in more than just a straight-forward-backward movement, allowing the user to various maneuvers , spins, turns, which have been hereto difficult with conventional in-line skates.

With regards to the distance between the rollers being greater than the distance between the first rotating roller and front ball support, it has been held that the rearranging parts of an invention involves only routine skill in the art, *In re Japiske*, and the invention would work equally well, with the spacing between rollers, being equal.

With regards to the specific distance in inches between wheels, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a distance between wheel of 1-3 inches or a distance that would accommodate the size of the skate frame and the user's foot length, since it has been held that where

Art Unit: 3618

the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Claims 1 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 1,868,548) modified by Blankenburg et al (US 5,207,454).

Turner teaches an in-line skate including:

a frame (7) having a curved lower portion, see Figure 1;

a front end and tail end;

attachment means (9) to secure to a boot (1);

a point stop (29) at the front end that is a tapered bushing fixed in position.

a plurality of rollers (13-20) spaced apart evenly and located behind the stop (29) along the curved portion of the frame (7);

and the lower curved portion of the frame (7) defining a curvature sufficient to allow support of the skate only by the point stop (29) and the front wheel (20), see Figure 1.

Turner does not teach the use of a front and tail ball configuration.

Blankenburg et al teaches an in-line roller (10) with various embodiments combining wheel rollers (32) and ball supports (40,42,46,44);

wherein a front ball support (40) is located at the front end of the skate frame (18) ahead of the wheel roller (32) and wherein a tail ball support (44) behind the roller (32), see Column 4, lines 13-16;

wherein the ball supports include a housing (54) supports ball rollers (70) allowing for free rotation within the housing (54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skate having an point stop as taught by Turner, to include ball supports strategically placed in front and behind the roller wheels, as taught by Blankenburg, in order to provide a skate maneuverable in more than just a straight-forward-backward movement, allowing the user to various maneuvers , spins, turns, which have been hereto difficult with conventional in-line skates.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petell (US 5,738,360) modified by Blankenburg et al (US 5,207,454) as applied to claim 2 above, and further in view of Nelson (US 5,486,011).

Petell modified by Blankenburg et al teaches all aspects of the claimed invention as discussed above for claim 2, except the point stop diameter being the same as the roller wheel diameter.

Nelson teaches an in-line skate (10) including a point stop (22) being a roller fixed in position when a stop is initiated by the user and having a diameter the same as the rotating rollers of the skate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a point stop roller equivalent in diameter to rotating rollers, as taught by Nelson, for providing a more symmetrical aesthetic design.

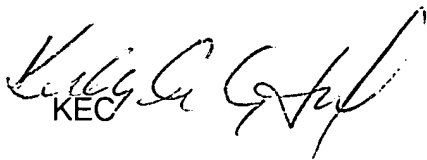
Conclusion



The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bakx teaches a roller skate having ball supports. Ferguson teaches a skate having a toe point support. Paulsen teaches a roller skate having a point stop. Skorka teaches a skate having a curved frame and plurality of wheel rollers. Turner teaches a skate having a curved frame and point stop. Bentzlin teaches a skate having a point stop and curved frame. User teaches a skate having a curved frame. Weitzner teaches a ball supports for a skate. Horton teaches point support for a skate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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